## UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

JAMES DOUGLAS SMITH	]	
Plaintiff,	]	
	j	No.
v.	]	(No. 3:14-mc-0222)
	j	Judge Campbell
CORRECTIONS CORPORATION OF	j	•
AMERICA, et al.	]	
Defendants.	j	

## <u>ORDER</u>

The plaintiff, proceeding *pro se*, is an inmate at the Metro Davidson County Detention Facility in Nashville.

On January 29, 2014, an order (Docket Entry No. 2) was entered granting him thirty days in which to submit either the full filing fee of four hundred dollars (\$400) or an application to proceed in forma pauperis. The plaintiff was forewarned that, in the event he failed to comply with these instructions in a timely manner, the Court would presume that he is not a pauper, assess the filing fee and order its collection from his inmate trust account, and dismiss the instant action for want of prosecution.

The thirty day period has expired and the plaintiff has not yet complied with the instructions of the Court. Accordingly, the Clerk shall file the complaint. The plaintiff is herewith ASSESSED the civil filing fee of \$400.00. Pursuant to 28 U.S.C. § 1915(b)(1)(A) and (B), the custodian of the plaintiff's inmate trust account at the institution where he now resides is directed to submit to the Clerk of Court, as an initial partial payment, whichever is greater of:

(a) twenty percent (20%) of the average monthly deposits to the plaintiff's inmate trust

account; or

(b) twenty percent (20%) of the average monthly balance in the plaintiff's inmate trust

account for the prior six (6) months.

Thereafter, the custodian shall submit twenty percent (20%) of the plaintiff's preceding

monthly income (or income credited to the plaintiff's trust account for the preceding month), but

only when such monthly income exceeds ten dollars (\$10.00), until the full filing fee has been paid

to the Clerk of Court. 28 U.S.C. § 1915(b)(2).

This action is hereby DISMISSED for failure to comply with the instructions of the Court

and for want of prosecution. McGore v. Wrigglesworth, 114 F.3d 601, 605 (6th Cir. 1997). The

Clerk is directed to send a copy of this order to the Warden of the Metro Davidson County Detention

Facility to insure that the custodian of plaintiff's inmate trust account complies with that portion of

the Prison Litigation Reform Act relating to the payment of the filing fee.

It is so ORDERED.

Todd Campbell

United States District Judge

Carabell